

SECOND REGULAR SESSION

HOUSE BILL NO. 2185

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RANSDALL, CARNAHAN, JOHNSON (90), WILLOUGHBY, SHOEMYER (9), SMITH, HOSMER (Co-sponsors), BRITT, BONNER, RELFORD, HAMPTON, MONACO, RICHARDSON, GASKILL, BYRD AND MAYER.

Read 1st time March 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

5072L.01I

AN ACT

To repeal sections 550.130, 550.140, 550.180, 550.190, 550.230, and 550.300, RSMo, and to enact in lieu thereof eight new sections relating to court costs in criminal change of venue cases.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 550.130, 550.140, 550.180, 550.190, 550.230, and 550.300, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 550.130, 550.135, 550.140, 550.180, 550.190, 550.230, 550.295, and 550.300, to read as follows:

550.130. The bill of costs in any case, as provided for in [section] **sections 550.120 and 550.135**, shall be certified to by the judge and prosecuting attorney, as now provided by law, and shall be presented to the county commission in which the indictment was originally found, or proceedings instituted, and shall thereupon be paid as if the cause had been tried or otherwise disposed of in said county.

550.135. 1. In any criminal case in which a change of venue is taken from one county to another county the clerk of the court shall calculate, at the end of each month, all costs which have accrued during that month and which can be determined before the final disposition of the case. If the state or county is liable under the provisions of this chapter for such costs or any part thereof, he or she shall make out and deliver forthwith to the prosecuting attorney of said county a fee bill specifying each item of services and the fee therefor.

550.140. **Except as provided in section 550.135**, the clerk of the court in which any

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 criminal cause shall have been determined or continued generally shall, immediately after the
3 adjournment of the court and before the next succeeding term, calculate all costs which have
4 accrued in the case. If the state or county is liable under the provisions of this chapter for costs
5 or any part thereof, he **or she** shall make out and deliver forthwith to the prosecuting attorney
6 of said county a complete fee bill, specifying each item of services and the fee therefor. The
7 circuit clerk shall prepare a bill against the state containing only costs which are payable to the
8 county.

550.180. If any clerk shall fail to tax the costs and make out a proper fee bill, or shall
2 willfully neglect to perform any duty required of him **or her** in sections [550.140] **550.135** and
3 550.190, he **or she** shall be liable to the person injured by such neglect in treble the amount of
4 costs to which the party is entitled in the cause, and the court shall give judgment therefor against
5 the clerk, on motion of the party entitled thereto; provided, that the party asking such judgment
6 shall give two days' notice of such motion, which may be served on the clerk or his **or her**
7 deputy.

550.190. The prosecuting attorney shall strictly examine each bill of costs which shall
2 be delivered to him **or her**, as provided in [section] **sections 550.135 and 550.140**, for allowance
3 against the state or county, and shall ascertain as far as possible whether the services have been
4 rendered for which the charges are made, and whether the fees charged are expressly given by
5 law for such services, or whether greater charges are made than the law authorizes. If the fee bill
6 has been made out according to law, or if not, after correcting all errors therein, he **or she** shall
7 report the same to the judge of the court, either in term or in vacation, and if the same appears
8 to be formal and correct, the judge and prosecuting attorney shall certify to the commissioner of
9 administration, or clerk of the county commission, accordingly as the state or county is liable,
10 the amount of costs due by the state or county on the fee bill, and deliver the same to the clerk
11 who made it out, to be collected without delay, and paid over to those entitled to the fees
12 allowed.

550.230. When the clerk shall send a bill of costs to the commissioner of administration
2 or county commission, as provided in section 550.200, he shall expressly state in his **or her**
3 certificate that he **or she** has not at any previous time certified or sent a copy of the same bill,
4 or part thereof **except as provided for in section 550.135**, for payment; provided, that if the
5 clerk shall, by oversight or mistake, fail to include any costs properly chargeable against the state
6 or county in any fee bill, he **or she** may make out and present, as herein provided for making out
7 bills of costs, a supplemental bill for the costs so omitted; provided, that the clerk shall in no case
8 charge or receive any fee or fees whatsoever for the issuance of such supplemental fee bill.

550.295. At the end of each month after the receipt, from either the state auditor
2 **or the county clerk, of each criminal court cost bill in any criminal case in which a change**

3 of venue was taken from one county to another county, the treasurer shall strike a balance
4 of the same, and shall turn over the amounts collected on account of the various items of
5 indebtedness herein mentioned to the various funds to which they belong or in the manner
6 provided by sections 488.010 to 488.020, RSMo. And all uncalled for fees paid by the state
7 shall be promptly transmitted to the state director of revenue who shall deposit the same
8 in the state treasury, and those paid by the county shall be turned over to the credit of the
9 county revenue fund.

550.300. Except as provided in section 550.295 at the end of each term of court after
2 the receipt of each criminal court cost bill from either the state auditor or the county clerk, the
3 treasurer shall strike a balance of the same, and shall turn over the amounts collected on account
4 of the various items of indebtedness herein mentioned to the various funds to which they belong
5 or in the manner provided by sections 488.010 to 488.020, RSMo. And all uncalled for fees paid
6 by the state shall be promptly transmitted to the state director of revenue who shall deposit the
7 same in the state treasury, and those paid by the county shall be turned over to the credit of the
8 county revenue fund.